



**Agenda Item Number: 2005-5-6A**

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** May 10, 2005

**Department:** Human Resources    **Staff Contact:** Renetta M. Torres, Director  
Dan Mayfield, Deputy County Manager for Finance

**TITLE:** Personnel Rules and Regulations Ordinance

**ACTION:** Convene a Public Hearing.

Motion to adopt **Ordinance 2005-** amendments to County Code,  
Chapter 2, Section 2-91-2-100 Personnel Rules and Regulations.

### **SUMMARY:**

On March 29, 2005 the Board approved publication of the proposed amendment to County Code, Chapter 2, Section 2-91-2-100 and the Bernalillo County Employment Relations Rules and Regulations. No comments were received in the County Clerks Office or the Office of the County Manager.

The Board adopted personnel Ordinance 91-8 on June 18, 1991. Amendments were approved and became effective July 1, 1996. The Board approved additional amendments that became effective January 15, 1999. The current update of the Employment Relations Rules and Regulations is primarily being initiated because they have not been totally revised since 1998. There have been changes to laws as well as procedures that required clarification and in some cases amplification. The recent audit process also helped to identify some areas that required revision.

The process for review and input was multi-faceted. Management sent out a questionnaire to all employees covered under the provisions of the Employment Relations Rules and Regulations seeking recommendations for possible changes. The Deputy County Managers then held meetings with their respective department directors to further discuss recommendations which were then submitted as a package to the County Manager. The progress of the proposal was discussed at the January 2005 Department Director's monthly meeting. The following are some of the major proposed changes to the Bernalillo County Employment Relations Rules and Regulations:

- ❖ The EEO Statement has been revised to include protected classes provided in recent amendments to the New Mexico Human Rights Act.
- ❖ Text change to reflect job title change for Deputy County manager and to add County Attorney
- ❖ Text changes to strike and add same terminology as used in the collective bargaining agreements.
- ❖ Section 302 revised to remove signature and date requirements for on-line applications
- ❖ Section 402(A) revised to change the probationary period to nine (9) months.
- ❖ Section 402 (C) revised to modify text in order to account for all categories of "unclassified" employment.

- ❖ Section 402(G) revised to add language to clarify that probationary employee may not use personal holidays during their probationary period.
- ❖ Section 514 revised text to provide for “standby” and set a standby pay
- ❖ Section 603 revised to add categories because of amendments to the New Mexico Human Rights Act
- ❖ Section 705(C)(1) revised text to reflect practice and for consistency with grievance procedures in collective bargaining agreements.
- ❖ Section 802(B)(4) revised to change criteria for selection
- ❖ Section 901 revised to clarify applicability to classified employees only
- ❖ Section 1011 new section to provide sick leave incentives
- ❖ Section 1200 new section - Miscellaneous
- ❖ Section 1300 new section – Unclassified Employees
- ❖ Section 1400 new section – Drug and Alcohol Policy and Testing
- ❖ Section 1500 new section – Fire & Rescue Probationary Employees

## **FISCAL IMPACT**

Implementation of the amendments to the following sections could result in some cost savings to the County: 402(A); 402(G); 410; 502(D); 508(C); 800; and, 1012. However, implementation of the amendments to sections; 503(B), 506, 1007, 1011 and 1300 may slightly increase current and future operating cost to the County.

### **Amendments with potential saving:**

402(A) and (G) – Extending probation period from 6 months to 9 months. It is difficult to determine the number of employees each year who do not pass probation. The change to this section primarily protects the County from employees who may not be able to perform their jobs. The savings from the additional vacation that is accrued but not paid out (3.25 days) would be approximately \$440 per employee.

410 – Employees reimburse for lost County identification cards. Saving is minimal but will help defray part of the cost of making a new ID card. Estimated loss of 50 cards per year at \$10 per replacement cost provides \$500 in revenue.

502(D) – 10% specialty pay. The changes further restrict specialty pay to employees required to obtain and use a professional license in their County jobs.

508(C) – The change extends the minimum time required to work on a special assignment from four (4) consecutive weeks to 90 days. In addition to further qualifying the definition of a “special project” as a project that lasts at least 90 days, savings would be approximately \$50 per employee per week for assignments that no longer qualify.

514 – Stand by time is further defined in this rule and payment is limited to \$6 per day or \$42 per week. The two-hour callback minimum payment is eliminated.

800 – Remove requirement to layoff part-time, casual, emergency hires, term, probationary employees first. This provision might allow more economical operation of a department through the use of term and part-time employees during times of financial hardship.

1012 – Decrease bereavement leave from five days to three days. At an average salary \$135.86 per day, savings will be generated for employees who have historically taken the maximum allowable. The availability of air transportation should assist employees with their bereavement leave. If necessary, employees can take additional time by using accrued vacation.

**Amendments with potential increases:**

503(B) – Allowing employees to receive compensation at a level up to the midpoint is difficult to quantify because with proper administration of this provision, the additional compensation should allow the County to hire more qualified and productive employees when experienced employees are available.

505 and 506 – This benefit will provide consistency in salary scale application for demotions and reclassifications. Depending upon the employee's placement on the salary scale the changes might be more or less than the current rule.

1007 – Expands sick leave availability for legal guardianship. It is unclear how many employees will meet this requirement. However, sick leave maximum accruals and incentives should minimize abuse.

1011 – This section establishes a sick leave incentive program for employees. Employees meeting all criteria can be awarded up to an additional twelve (12) hours of annual leave. The rules require review of sick leave usage twice a year by supervisors. If utilization is similar to the County's sick-leave sellback program the value of the additional vacation earned would be approximately \$82,000. Taking planned vacation does not disrupt an organization to the extent that unplanned sick leave does.

1300 – This is a new section pertaining to all Unclassified, "at-will" employees. In this section work hours, vacation and sick leave benefits are defined.

## **STAFF ANALYSIS SUMMARY**

### **COUNTY MANAGER**

The Board approved the last major update of the Rules and Regulations on December 15, 1998. Update of the Rules and Regulations is included in my contract goals for the period of September 20, 2004 – September 19, 2005. Input was requested from all employees covered under the provisions of Rules & Regulations as well as management. I have met with Deputy County Managers, Department Directors and County Legal. There has been extensive involvement from staff, Human Resources and the Legal Department relating to the proposed changes.

As directed by the Board of County Commissioners at its April 26, 2005 meeting, the draft of the Employment Relations Rules and Regulations was once again placed on the County's intranet site in the form of a questionnaire in order to obtain comments from employees. No comments were received. I recommend adoption of the ordinance and approval of the Rules and Regulations. TL 5/5/05

### **DEPUTY COUNTY MANAGER FOR FINANCE**

This is the first major update to the County's Rules and Regulations in six years. The updates will make many sections of the Rules and Regulations for non-represented employees consistent with Union Agreements. In addition, the amendments incorporate changes in employment laws and internal audit recommendations. I recommend approval. Dan Mayfield 4/18/05

### **LEGAL**

The proposed amendments are consistent with applicable law. Approved as to form. JSL 4/18/05